

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 1-14 and 20-25 are currently being cancelled.

No claims are currently being added or amended.

This amendment and reply cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After canceling the claims as set forth above, claims 15-19 are now pending in this application.

Specification Amendments:

The specification has been amended to correct a minor typographical error and to improve readability. No new matter has been added.

Claim Rejections – 35 U.S.C. § 112, 2nd Paragraph:

In the Office Action, claims 4, 11 and 23 were rejected under 35 U.S.C. § 112, 2nd Paragraph, as being indefinite, for the reasons set forth on page 2 of the Office Action. Due to the cancellation of claims 4, 11 and 23, this rejection is now moot.

Claim Rejections – Prior Art:

In the Office Action, claims 1-14 and 20-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,795,546 to Delaney et al.; and claims 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Delaney et al. in view of U.S. Patent No. 5,592,672 to Grewal. These rejections are traversed with respect to claims 15-19, for at least the reasons given below.

Presently pending independent claim 15 recites, among other things:

said mathematical function ensuring that a load on any CPU in said multi-CPU receiving node differs by no more than 25% when sampled over a continuous

24-hour period from a load on any other CPU in said multi-CPU receiving node that is designated for load sharing SCCP message processing.

The Office Action correctly recognizes that Delaney does not teach the above features of claim 15, but the Office Action incorrectly asserts that Grewal teaches such features. Applicant respectfully disagrees. Namely, Grewal is directed to a load balancing system and method for providing load balancing of messages to be processed by message processors. Column 4, lines 55-65 (cited against claim 15) states that if a load is to be divided equally amongst eight (8) front end processors PE, then each processor should expect to receive 1/8 of all the message traffic, whereby under certain situations (e.g., link failures), certain front end processors are designated to carry a higher percentage of the traffic.

With all due respect, the above description in Grewal says nothing about a mathematical function that ensures that a load on any CPU in a multi-CPU receiving node differs by no more than 25% when sampled over a continuous 24-hour period from a load of any other CPU in the multi-CPU receiving node that is designated for load sharing. Furthermore, no time sampling period is even hinted at in column 4, lines 55-65 of Grewal.

Accordingly, independent claim 15 is patentable over the combined teachings of Delaney and Grewal.

Dependent claims 16-19 are patentable due to their dependence on claim 15, as well as for the specific features recited in those claims. For example, claim 18 recites that “said mathematical function ensures that said load on said any CPU in said multi-CPU receiving node differs by no more than 5% when sampled over said continuous 24-hour period from said load on said any other CPU in said multi-CPU receiving node that is designated for said load sharing SCCP message processing”, and claim 19 recites that “said mathematical function ensures that said load on said any CPU in said multi-CPU receiving node differs by no more than 2% when sampled over said continuous 24-hour period from said load on said any other CPU in said multi-CPU receiving node that is designated for said load sharing SCCP message processing.” Such features are not taught or suggested by Grewal or by Delaney, alone or in combination.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date September 17, 2007

By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22879
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

William T. Ellis
Registration No. 26,874

Phillip J. Articola
Registration No. 38,819